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EXAMINER

PILLAI, NAMITHA

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* MICHAEL W. WALLACE, TROY STEVEN ACOTT,  
LARRY ALAN WESTERMAN and CARL JOHNSON

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Appeal 2009-013125  
Application 10/066,144  
Technology Center 2100

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Before ERIC S. FRAHM, KRISTEN L. DROESCH and  
MICHAEL R. ZECHER, *Administrative Patent Judges*.

DROESCH, *Administrative Patent Judge*.

DECISION ON APPEAL

## STATEMENT OF THE CASE

Appellants seek review under 35 U.S.C. § 134(a) of a final rejection of claims 1-23. We have jurisdiction under 35 U.S.C. § 6(b). We REVERSE.

## BACKGROUND

Appellants' invention is related to a video display system. Spec. p. 3, ll. 7-9; p. 3, l. 25-p. 4, l. 4.

Claim 1 is illustrative and reproduced below:

In connection with a video display system capable of displaying a sequence of video segments, a method for displaying a plurality of control objects associated with said video segments on a display screen comprising the steps of:

displaying a first control object associated with the displayed first video segment, on the display screen in a focus position simultaneous with the display of a first video segment on the display screen;

displaying a second control object, associated with a second video segment, adjacent to the focus position; and

moving the second control object to the focus position, and the first control object out of the focus position, in substantial synchronicity with a transition between the display of the first video segment and the second video segment on the display screen.

The Examiner relies on the following prior art:

Francis C. Li et al., *Browsing Digital Video*, Proc. SIGCHI Conference on Human Factors in Computing Systems (CHI '00), 169-176 (2000) ("Li").

Claims 1-23 are rejected under 35 U.S.C. § 102(a) as anticipated by

Li.

## ISSUE

Did the Examiner err in finding that Li describes moving a second control object to a focus position and a first control object out of the focus position?

## ANALYSIS

We have reviewed the Examiner's rejection in light of Appellants' arguments (Appeal Brief and Reply Brief). We are persuaded by Appellants' argument that Li describes moving the focus position (i.e., highlight) between the first and second control objects (i.e., shot boundaries) and does not describe moving the second control object to a focus position, and the first control object out of the focus position as required by claim 1. App. Br. 7-9, Reply Br. 4-5. In other words, while Li describes transitioning between first and second video shots by moving a highlight from the first shot boundary frame to the second shot boundary frame (*see* Li Fig. 1), Li does not describe moving the second shot boundary frame to the highlight and the first shot boundary frame from the highlight.

Accordingly, we do not sustain the Examiner's rejection of claims 1-23 as anticipated by Li. Although Li does not anticipate the claims, we leave it to the Examiner to evaluate whether the claimed invention would have been rendered obvious by Li. It is often the case that design incentives and market forces can prompt variations of the prior art. "If a person of ordinary skill in the art can implement a predictable variation, § 103 likely bars its patentability." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007).

Appeal 2009-013125  
Application 10/066,144

DECISION

We REVERSE the rejection of claims 1-23 under 35 U.S.C. § 102(a)  
as anticipated by Li.

REVERSED

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